

ORIGINAL

Approved: _____

JOHN P. COLLINS, JR.

Assistant United States Attorney

Before: THE HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

- - - - - X
:
UNITED STATES OF AMERICA
:
- v. - 17 Mag. 4581
:
ALAIN LaMONTAGNE, RULE 5(c)(3)
AFFIDAVIT
:
Defendant.
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss:

ROBERT E. EKEY, being duly sworn, deposes and says that he is a Special Agent with the Food Drug Administration Office of Criminal Investigations ("FDA-OCI"), and charges as follows:

On or about June 12, 2017, the Honorable John C. Rich III, United States Magistrate Judge for the District of Maine, issued a warrant for the arrest of "Alain LaMontagne". Specifically, the warrant in United States v. LaMontagne, 17 Mag. 138 (JHR), charges a violations of Title 21, United States Code, Section 301 et seq. -- to wit, misbranding of animal drug. A copy of the Affidavit in Support of Criminal Complaint and arrest warrant are attached hereto and incorporated by reference herein.

I believe that ALAIN LaMONTAGNE, the defendant, who was taken into the custody of the FDA-OCI on June 14, 2017, in the Southern District of New York, is the same individual as the, "Alain LaMontagne," who is wanted in the District of Maine.

I am a Special Agent with FDA-OCI, and am familiar with the facts and circumstances of this investigation from discussions with and reports made by witnesses and other law enforcement officials. Because this Affidavit is being submitted

for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

1. I have been personally involved in determining whether ALAIN LaMONTAGNE, the defendant, is the same individual as the "Alain LaMontagne" named in the June 12, 2017 arrest warrant from the U.S. District Court for the District of Maine.

2. On or about June 12, 2017, the Honorable John C. Rich III, United States Magistrate Judge for the District of Maine, issued a warrant for the arrest of "Alain LaMontagne". Specifically, the warrant in United States v. LaMontagne, 17 Mag. 138 (JHR), charges a violations of Title 21, United States Code, Section 301 *et seq.* -- to wit, misbranding of animal drug.

3. During my investigation, I learned that "Alain LaMontagne" was using an address on East Main Street in Middletown, New York. On or June 13, 2017, I, and other agents, traveled to Middletown, New York to effect the arrest. On the afternoon of June 14, 2017, we arrested ALAIN LAMONTAGNE, the defendant.

4. Following his arrest on June 14, 2017, ALAIN LAMONTAGNE, the defendant, told me that his name is "Alain LaMontagne," and stated that he was a middleman who arranged delivery of various IV products to addresses in Maine listed in the complaint but denied knowing that the products were misbranded.

3

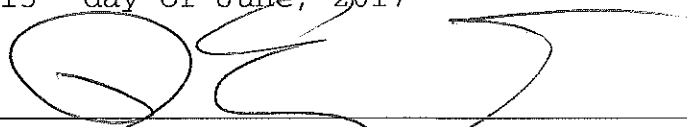
. WHEREFORE, deponent prays that ALAIN LAMONTAIGNE, the defendant, be imprisoned or bailed as the case may be.



ROBERT E. EKEY

Special Agent, Food Drug Administration
Office of Criminal Investigations

Sworn to before me this
15TH day of June, 2017



THE HONORABLE PAUL R. DAVISON
United States Magistrate Judge
Southern District of New York